

SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-3782 ODW(SSx)	Date	January 8, 2009
Title	Robert Kuna v. Joseph Shalant a Law Corporation, et al.		

Present:	The Honorable Otis D. Wright II, United States District Judge
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Raymond Neal	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings (IN CHAMBERS): **Order to Show Cause re Dismissal for Lack of Prosecution and for Failure to Comply with Court Order**

This Order is issued pursuant to Fed. R. Civ. P. 4(m), which requires that plaintiff(s) serve the summons and complaint upon all defendants within 120 days after filing the complaint. The Court may dismiss the action prior to the 120 days, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the responsibility of plaintiff to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiff(s) must also pursue Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 7-1.

The file in this case lacks the papers that would show it is being timely prosecuted, as reflected below. Accordingly, the Court, on its own motion, hereby orders plaintiff(s) to show cause in writing no later than **January 26, 2009** why this action should not be dismissed as to all remaining defendants for lack of prosecution and for failing to comply with the Court's December 1, 2008 order [69].

As an alternative to a written response by plaintiff(s), the Court will accept one of the following, if it is filed on or before the above date, as evidence that the matter is being prosecuted diligently.

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- (1) Proof of service of summons and complaint (applicable for defendant(s) who have not been served);
- (2) In cases removed from State Court, responsive pleadings filed by all defendants;
- (3) Request for entry of default by plaintiff(s) (applicable where defendants have been served but not answered);
- (4) Motion for default judgment or request for clerk to enter default judgment

Plaintiff has also failed to comply with the Court's December 1, 2008 order [69] directing plaintiff "to obtain new counsel within 30 days or notify this Court in writing of plaintiff's intent to proceed in *pro se*."

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

_____ : _____ 00
Initials of Preparer RGN

I hereby certify that I delivered a copy of this minute order to plaintiff's email address of record as provided by plaintiff's most recent counsel of record on this date. R. Neal 1/8/09